

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

ζ	Application Number: CV15-058		Date Received:	9/28/15
SE ON	CD 0 ID		04000	
OFFICE USE ONLY	Comments: Assigned to Shannon Pine & James Burdin;	; 645-2208; s	pine@colu	mbus.gov 614-645-1341
_	ATION AND ZONING REQUEST:			
	ed Address (for zoning purposes only): 114 East Fifth A	venue, Columbus, C	Ohio 43215	Zip:
<i>If the</i> adopt Parcel	application being annexed into the City of Columbus? Select or site is currently pending annexation, Applicant must tion of the annexation petition.  Number for Certified Address: 010-028014, 010-055093, 010 neck here if listing additional parcel numbers on a sep	show documentation 0-055295, 010-117156, 0		
	at Zoning District(s): C-4			
Area C	ommission or Civic Association: University Area Commis	sion		
	sed Use or reason for Councial Variance request:	oject containing resident	tial and commer	cial uses.
Acreag	e:702 +/-	MILL CONTRACTOR OF THE CONTRAC		
APPI Name:	LICANT: Burwell Investments LLC	Phone Number:614	.946.4693	Ext.:
Addres	ss: 1920 Beverly Road	City/State: Columbu	s, Ohio	Zip: 43221
Email .	Address: bradhowe222@yahoo.com	Fax Numb	er:	
PROF	<b>PERTY OWNER(S)</b>	roperty owners on a sep	arate page	
	Hamdy H. Hassanain & Fatma Osheba	Phone Number:		Ext.:
Addres	2983 Castlebrook Avenue	City/State: Hilliard,	Ohio	Zip: 43026
Email .	Address:	Fax Numbe	er:	
ATTO	RNEY / AGENT (Check one if applicable): Attorney	] Agent		
Name:	Aaron L. Underhill, Esq.	Phone Number: 614	.335.9320	Ext.:
Addres	ss: Underhill Yaross LLC, 8000 Walton Parkway, Suite 260	City/State: New Alb	any, Ohio	Zip: <u>43054</u>
Email .	Address:aaron@underhillyaross.com	Fax Numbe	er: <u>614.335.93</u>	29
SIGN.	ATURES (All signatures must be provided and signed in blue	ink)		
APPLI	CANT SIGNATURE By: Umm L'MALIN	700		***************************************
PROPI	ERTY OWNER SIGNATURE By: Com L. Myl	D. M. HARDN L. UND	berlike, ATT	ordey
	RNEY) AGENT SIGNATURE			
City sta	valure attests to the fact that the attached application package is comp off review of this application is dependent upon the accuracy of the info and by me/my firm/etc, may delay the review of this application	plete and accurate to the bes formation provided and that	st of my knowledge t any inaccurate of	e. I understand that the r inadequate information



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CV15-058

#### STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

#### Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjuction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- **B.** Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code

contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:				
		Please see attached Statement of Hardship.		
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Signature of Applicant By:	ann I. While	Date_ 9/28/15		

## CV15-058

#### Statement of Hardship

The owner/applicant is seeking council variances for property consisting of .702 +/- acres, generally located to the northeast of the intersection of East Fifth Avenue and Frances Place and to the northwest of the intersection of East Fifth Avenue and Summit Street, and having the address of 114 East Fifth Avenue, Columbus, Ohio 43215. This site is currently zoned C-4. The current zoning of the property directly to the north of the site is AR-1, to the east is R-4 and C-4, to the south is R-4 and C-4 and directly to the west is R-4.

The owner/applicant is seeking these variances to allow for the redevelopment of this site to include a three story mixed use building and a three story townhome building with residential units, in addition to both covered and uncovered parking.

Accordingly, this application requests the following variances:

- ➤ 3356.03: Use variance to allow for residential uses on the first floor of buildings located in the C-4 zoning district;
- ➤ 3309.14: Variance to increase the permitted maximum building height on the site to 45 feet:
- ➤ 3312.21.A: Variance to reduce the number of required shade trees to be installed within parking areas from 4 trees to 0 trees;
- ➤ 3312.21.A.2: Variance to reduce the minimum required soil area and landscaped islands or peninsulas from 145 square feet per tree to 0 square feet per tree;
- ➤ 3312.49: Variance to reduce the number of required parking spaces from 77 spaces to 46 spaces. With this reduced number of parking spaces a maximum of 2,000 square feet of restaurant uses shall be permitted to be operated on the site in addition to other permitted uses;
- ➤ 3321.05.B.2: Variance to allow encroachment into the 30' vision clearance at the corner of 5<sup>th</sup> and Summit and into the 10' vision clearance at Francis and 5<sup>th</sup>; and
- ➤ 3356.11: Variance to allow buildings containing residential uses to be subject to the minimum required building setbacks from public rights-of-way that are applicable to permitted uses in the C-4 zoning district. The applicant seeks to provide for a minimum building setback of 8 feet from the right-of-way of Summit Street;

The use variance being requested will allow for a mix of commercial and residential uses on the site in a manner that is consistent with recent redevelopment trends in the area. The area variances are necessary in order to maximize the redevelopment potential of this property. The property is bounded by public streets or alleys on all sides, making strict conformance with all of the zoning provisions of the City Code a practical difficulty. The building setback reduction is a byproduct of this scenario. Smaller setbacks are common in the area and the buildings that are proposed for this site are of a size and scale of buildings with light commercial uses. The increase in permitted building height will allow for an appropriate density for residential units that make that will allow this to be a true mixed use project and will drive the economics of redeveloping a site of relatively small size. The reduction in required parking and the adjustments to the strict application of landscaping requirements within parking areas recognize that this is an urban location and will balance the need to park the uses on the site with the goal of encouraging pedestrian activity in the area.

These variances will not impair an adequate supply of light and air to the adjacent property, will not unreasonably increase the congestion of public streets, will not increase the danger of fires, or endanger the public safety. Further, these variances will not unreasonably diminish or impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus.



DEPARTMENT OF BUILDING AND ZONING SERVICES 757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)		Application Number: CV15-058				
STATE OF OHIO						
COUNTY OF FRANKLIN	A I	Hadashill Fan				
Being first duly cautioned and sworn (1) NAME		Valton Parkway, Suite 260, New Albany, Ohio 43054				
		uly authorized attorney for same and the following is a list of the				
name(s) and mailing address(es) of all the owners of						
		Fifth Avenue; Columbus, Ohio 43215				
		or graphics plan was filed with the Department of Building and 9/28/15				
(THIS LINE TO BE FILLED OUT BY CITY STAFF)						
SUBJECT PROPERTY OWNERS NAME	(4)	Hamdy H. Hassanain and Fatma Osheba				
AND MAILING ADDRESS	- -	2983 Castlebrook Avenue				
		Hilliard, Ohio 43026				
APPLICANT'S NAME AND PHONE #	-	Burwell Investments LLC				
(same as listed on front application)	_	614.946.4693				
(same as instea on from appreciation)	-					
AREA COMMISSION OR CIVIC GROUP	(5) -	University Area Commission				
AREA COMMISSION ZONING CHAIR	_	Susan Keeny				
OR CONTACT PERSON AND ADDRESS	_	slmkeeny@hotmail.com; 937.479.0201				
the County Auditor's Current Tax List or the within 125 feet of the exterior boundaries of the	County property f	ad complete mailing addresses, including zip codes, as shown on Treasurer's Mailing List, of all the owners of record of property for which the application was filed, and all of the owners of any property event the applicant or the property owner owns the property contiguous to				
(7) Check here if listing additional property ov	vners on a	separate page.				
(8) SIGNATURE OF AFFIANT	Thin	J. Hali-le				
Sworn to before me and signed in my presence this		8 day of Sep Jember, in the year 2015				
Carry C		07/10/2017				
(8) SIGNATURE OF MULLARY PUBLIC	•	My Commission Expires				
* Notary	Agnes Ciso Public, State ston Expiré					

**APPLICANT:** 

Burwell Investments LLC 1920 Beverly Road Columbus, Ohio 43221

CV15-058

PROPERTY OWNER:

Hamdy H. Hassanain & Fatma Osheba

2983 Castlebrook Avenu Hilliard, Ohio43026

ATTORNEY:

Aaron L. Underhill, Esq. Underhill Yaross LLC

8000 Walton Parkway, Suite 260

New Albany, Ohio 43054

AREA COMMISION:

University Area Commission

Attn: Susan Keeny

Northwood & High Building

2231 N. High St. Columbus, OH 43201

SURROUNDING PROPERTY OWNERS:

1208-1210 Summit Street LLC

6250 Cupola Court Galena, Ohio 43021 1236 Indianola Avenue LLC 70 Park Avenue West Mansfield, Ohio 44902

Steven Godek 85 East 5<sup>th</sup> Avenue Columbus, Ohio 43202 Kevin J. Gilson 77 East 5<sup>th</sup> Avenue Columbus, Ohio 43201 1228-1231 Indianola Avenue LLC 2200 West 5<sup>th</sup> Avenue, Suite 120 Columbus, Ohio 43215

Isaac and Loretta Snider 1232 Indianola Avenue Columbus, Ohio 43201

Peter and Ingrid Navarro 779 Summit Street Columbus, Ohio 43215 Alan Fetters 596 West 2<sup>nd</sup> Avenue Columbus, Ohio 43201-3361

Marble Properties LLC 3080 Petzinger Road Columbus, Ohio 43232 Marigold Mill LLC 41 South High Street Columbus, Ohio 43215 Eric Weisgarber 1212 Summit Street Columbus, Ohio 43202

Urban Restorations LLC 815 North High Street, Suite R Columbus, Ohio 43215 127E5 LLC 4160 Rutherford Road Powell, Ohio 43065 Community Properties of Ohio III LLC 88 East Broad Street, Suite 1800 Columbus, Ohio 43215

Kevin Noesner, Tr. 3123 Cranston Drive Dublin, Ohio 43017 Laralyn M. Sasaki 1224 Indianola Avenue Columbus, Ohio 43201



GERARTMENT OF BUILDING AND ZOMING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

#### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

	APPLICATION # CV15-058
STATE OF OHIO COUNTY OF FRANKLIN	
Being first duly cautioned and sworn (NAME) Aaron L. Underhof (COMPLETE ADDRESS) Underhill Yaross LLC, 8000 Walto deposes and states that (he/she) is the APPLICANT, AGENT, OR is a list of all persons, other partnerships, corporations or entities this application in the following format:	n Parkway, Suite 260, New Albany, Ohio 43054
	Name of business or individual Business or individual's address Address of corporate headquarters City, State, Zip Number of Columbus based employees Contact name and number
1. Burwell Investments LLC 1920 Beverly Road Columbus, Ohio 43221 0 Employees Brad Howe - 614.946.4693	2.
3.	4.
Check here if listing additional property owners on a separal SIGNATURE OF AFFIANT	
_	of September, in the year 2015  Notary Seal Here  My Commission Expires
Agnes Cisco Notery Public, State of Chio All All And Sommission Expires 07-19-20-17s six (6)	months after the date of notarization.

#### **EXHIBIT "A" FOR 01090036D**

Situate in the State of Ohio, County of Franklin and in the City of Columbus and being a tract having a frontage of 23 ft. on Summit Street extending back across Lots No. I No. 2, and No. 3 of the Marietta College Subdivision, as the same is shown of record in Plat Book 7, page 53 and being the same property conveyed by deed to Sylvester W. and Hazel E. Hardesty, as the same is shown of record in Deed Book 1693, page 302, both of the foregoing records being in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the west line of Summit Street, being also the east line of Lot No. 1, above mentioned, said iron pin being at the southeast corner of the Hardesty Property, above mentioned, being also the northeast corner of a tract conveyed by deed to the Cleveland Trust Company, as the same is shown of record in Deed Book 1769, page 632, Recorder's Office, Franklin County, Ohio; thence Westerly, across Lots No. 1, 2 and No. 3 above mentioned, along the south line of the aforesaid Hardesty Property, being also the north line of the aforesaid Cleveland Trust Company Property, a distance of 105.77 ft. to an iron pin in the west line of Lot No. 3 at the southwest corner of the Hardesty Property and the northwest corner of the Cleveland Trust Company Property; thence Northerly, along the west line of Lot No. 3, being also the west line of the Hardesty Property, a distance of 23.0 ft. to an iron pin at the northwest corner of the Hardesty Property; thence Easterly, across Lots No. 1, No. 2, and No. 3, along the north line of the Hardesty Property, a distance of 105.77 ft. to an iron pin in the east line of Lot No. 1, being also the west line of Summit Street at the northeast corner of the Hardesty Property; thence Southerly, along the east line of Lot No. 1, and the west line of Summit Street, being also the east line of the Hardesty Property, a distance of 23.0 ft. to the place of beginning, containing 2,433 square feet, more or less; subject to all easements and restrictions shown of record.

Situate in the State of Ohio, County of Franklin, and in the City of Columbus and being 35 ft. off the north end of Lots No. 1, No. 2 and No. 3 of Marietta College Subdivision, as the same is shown of record in Plat Book 7, page 53 and being the same property conveyed by deed to Richard L. and Helen P. Wentz, as the same is shown of record in Deed Book 1372, page 287, both of the foregoing records being in the Recorder's Office. Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin at the northeast corner of Lot No. 1, above mentioned, at the point of intersection of the west line of Summit Street with the south line of a 20 ft. alley, being also the northeast corner of the Wentz Property, above mentioned; thence Southerly, along the east line of Lot No. 1 and the west line of Summit Street, being also

### EXHIBIT "A" FOR 01090036D (CONTINUED)

the east line of the Wentz Property, 35 ft. to an iron pin at the southeast corner of the Wentz Property, being also the northeast corner of a tract conveyed by deed to Sylvester W. and Hazel E. Hardesty, as the same is shown of record in Deed Book 1693, page 302, Recorder's Office, Franklin County, Ohio; thence westerly, across Lots No. 1, No. 2 and No. 3, above mentioned along the south line of the Wentz property, being also the north line of the Hardesty Property, a distance of 105.77 ft. to an iron pin in the west line of Lot No. 3, at the southwest corner of the Wentz Property and the northwest corner of the Hardesty Property; thence Northerly, along the west line of Lot No. 3 and the west line of the Wentz Property, a distance of 35.0 ft. to an iron pin at the northwest corner of Lot No. 3, being also the northwest corner of the Wentz Property and in the south line of a 20 ft. alley; thence Easterly, with the north line of Lots No. 1, No. 2 and No. 3 and the south line of the aforesaid 20 ft. alley, being also the north line of the Wentz Property, a distance of 105.77 ft. to the place of beginning, containing 3,702 square feet, more or less; subject to all easements and restrictions shown of record.

Situated in the County of Franklin in the State of Ohio and in the City of Columbus and bounded and described as follows:

Being the South Ninety-six (96) feet off of Lots Nos. 1, 2, and 3 of Marietta College Subdivision of the East two-thirds (2/3) of Lot No. 2 of John Hyer's Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, page 53, Recorder's Office, Franklin County, Ohio.

Excepting therefrom a triangular shaped strip of land off of the south east corner of said Lot No. 1 with a base of 5 feet on Fifth Avenue and running to a point at the northcast corner of the premises above described, conveyed to the City of Columbus, for street purposes by deed recorded in Deed Book 1010, Page 538, Recorder's Office, Franklin County, Ohio.

Situated in the City of Columbus, County of Franklin and State of Ohio and being a tract of land having a frontage of twenty-one (21) feet on Summit Street and a depth of one hundred five and six tenths (105.6) feet and being a part of Lots One (1), two (2) and three (3) of the Marietta College Subdivision of the East two thirds (2/3) of John Hyer's Subdivision, Plat Book No. 7, page 53, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at a point in the east line of Lot No. 1 of said Marietta College Subdivision, said point being 96 feet north of the southeast corner of Lot No. 1; thence West across Lots No. 1, 2 and 3, of Subdivision, on a line parallel to the south line of said Lots, one

## EXHIBIT "A" FOR 01090036D (CONTINUED)

hundred five and six tenths (105.6) feet to a point in the west line of Lot No. 3, said point being ninety six (96) feet north of the Southwest corner of said Lot No. 3; thence North along the West line of Lot No. 3, twenty-one (21) feet to a point; thence on a line parallel to the south line of said lots across Lots three (3), two (2), and one (1) of said subdivision, one hundred five and six-tenths (105.6) feet to a point in the East line of Lot No. 1; thence South twenty-one (21) feet to the place of beginning.

According to the survey of the Jennings-Lawrence Company, registered Surveyors, dated July 8, 1953.

Page 3 of 3

C-39

(010)

55093

28569

1823

28014

Description Venified Dean Bingle, P.E., P.S Franklin County Engineer

Date: 9/11/2001



# City of Columbus Zoning Plat



CV15-058

# **ZONING NUMBER**

The Zoning Number Contained on This Form is Herein Certified to Obtain Zoning, Rezoning, and Variances, and is NOT to be Used for the Securing of Building & Utility Permits

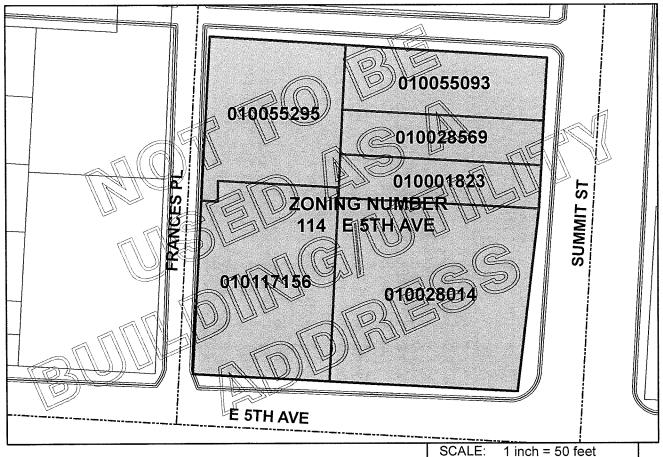
Parcel ID: 010028014, 010001823, 010028569, 010055093, 010117156, 010055295

Zoning Number: 114 Street Name: E 5TH AVE

Lot Number: 1-5 Subdivision: MARIETTA COLLEGE

Requested By: BURWELL INVESTMENTS, LLP (AARON UNDERHILL)

Issued By: Iduana umariam Date: 9/4/2015





JAMES D. YOUNG, P.E., ADMINISTRATOR DIVISION OF INFRASTRUCTURE MANAGEMENT COLUMBUS, OHIO

GIS FILE NUMBER: 43641

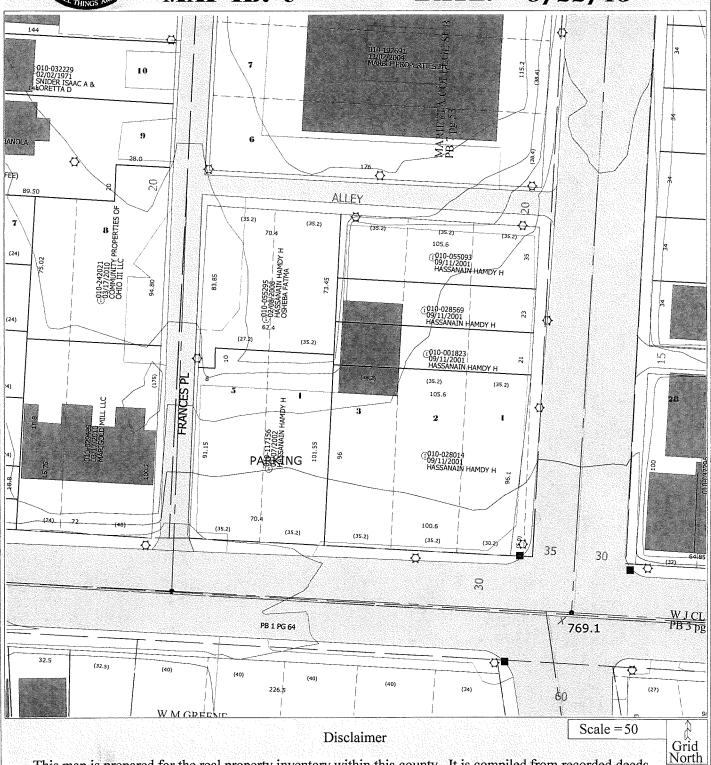


# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: c

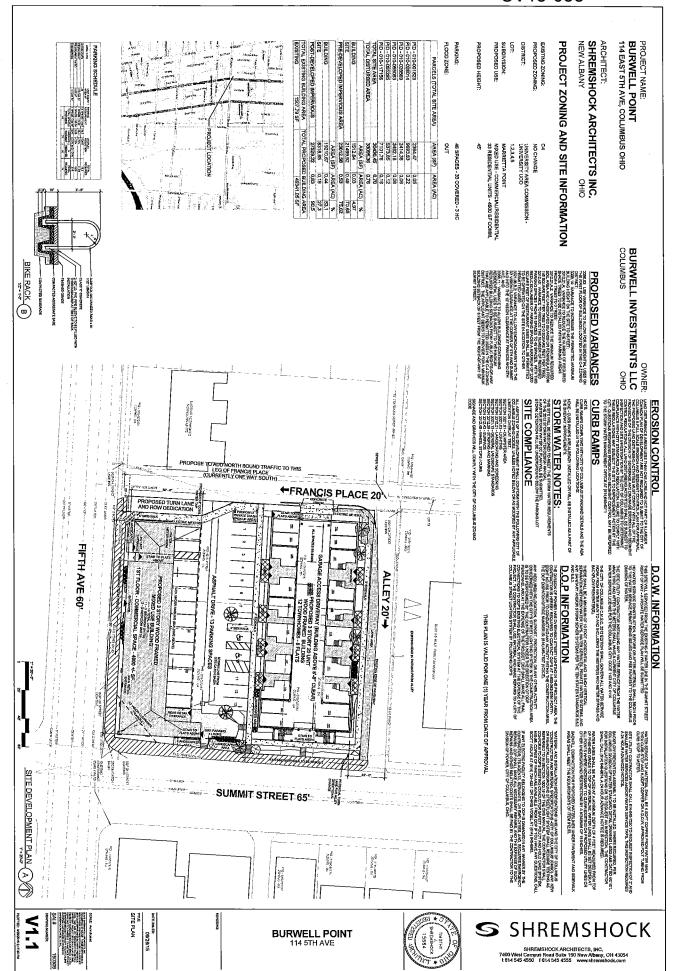
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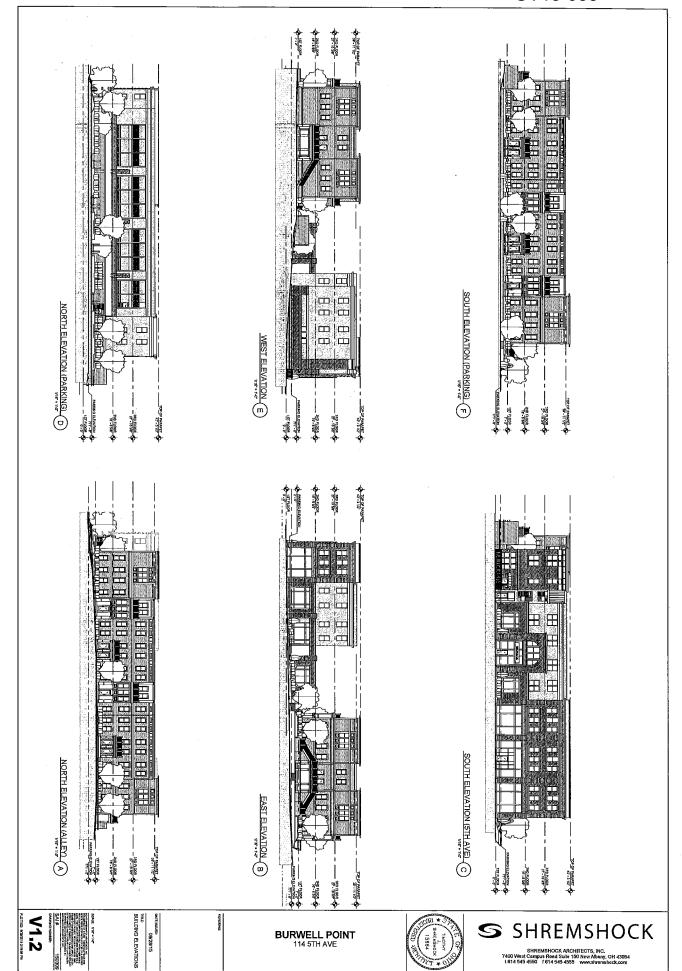
9/22/15



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

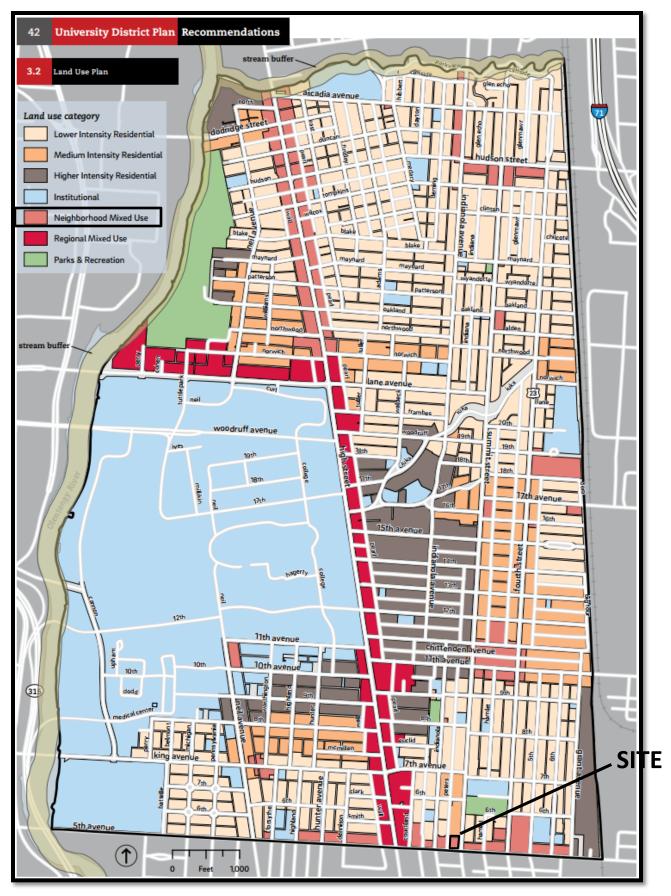
Real Estate / GIS Department







CV15-058 114 East Fifth Avenue Approximately 0.7 acres



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